

Date: July 11, 2023

Case No: 2022-CRB-005944

**ST. ANTHONY CHURCH
DEFENDANT**

PROHIBITION ORDER AGAINST
SELL, TRANSFER, GIFT OR
PURCHASE OF PROPERTIES UNTIL
APPROVED BY THE COURT

FINDINGS OF FACT

Whereas, Defendant is the owner of the following described properties (" herein referred to as premises):

PARCEL NUMBER	ADDRESS	CITY	ZIP CODE	LEGAL DESCRIPTION	FULL LEGAL DESCRIPTION
301-08-123	1310 W. 800 St.	Cleveland	44102	12 Square 0018 All	See Exhibit A

Admittedly, on March 29, 2003 Defendant pled no contest and was found guilty to five (5) counts of Miscellaneous in the First Degree (Failure to Comply) for the following housing and building code violations:

City Code Violated	Charge Code	Plea	Charge Disposition
§103.25(e)	Failure to Comply	No Contest	Gaily

Moreover, the Court is guided by the overriding purpose of maintaining uniformity (which may be viewed as the public good) in the law. In *United States v. Williams*,¹⁰ the Court stated that the purpose of the Federal Sentencing Guidelines is to "provide the public with a uniform system for the sentencing of federal offenders." In *United States v. Williams*, the Court concluded that the impact of the sentence upon the victim and the need for community protection were relevant in determining the guideline, and the defendant's status as a first offender was the primary factor in the analysis.¹¹ Further, the Court seems to have "emphasized uniformity over the defendant's individual characteristics."

seriousness of the offender's conduct and its impact upon the victim, and consistent with sentencing imposed for similar offenses committed by similar offenders." R.C. §2929.21(B).

Moreover, in consideration of the above facts, along with other mitigating and aggravating factors, the Court sentenced Defendant on June 21, 2023 to three (3) years of active community control until June 21, 2026. At this Sentencing Hearing, the Court issued the following orders:

1. The maximum potential fine of \$25,000.00 is stayed provided Defendant complies with the Court's orders.
2. Defendant's compliance case 2022 CTRB 0039445, Violation Notice #V210155867 (attached), is active and is active before this Court.
3. Defendant is placed on active community control for three (3) years, set to expire on June 21, 2026.
4. Defendant is ordered to pay any court costs associated with this case.
5. Defendant is ordered to obtain rental registrations for all properties it owns within the City of Cleveland or apply for applicable rental registrations exemptions.
6. Defendant must submit copies of proof of all rental registrations or exemptions to Housing Court Specialist Cody prior to the next status hearing date.
7. Defendant is ordered to comply with the City of Cleveland's Lead-Safe Ordinance by obtaining a lead-safe certificate for all rental properties it owns within the City of Cleveland or apply for an applicable lead-safe exemption. Defendant must submit copies of proof of all lead-safe certificates, receipt of tenant testing, or exemptions to Housing Court Specialist Cody prior to the next hearing date.
8. Defendant is ordered to self-sell, transfer or gift any of the properties it owns within the City of Cleveland while on community control without the approval of this Court (SEE ATTACHED LIST).
9. Defendant is ordered to remove the window units from the properties located at 1310-1312 West 89th Street, Cleveland, Ohio 44102.
10. Defendant is ordered to place any trash cans on the property in the rear of the property.
11. Defendant is ordered to paint the exterior of both properties located at 1310-1312 West 89th Street, Cleveland, Ohio 44102, all one color.
12. Defendant is ordered to allow an inspector from City of Cleveland, Department of Building and Housing to do an interior and exterior inspection of the properties including the garage or shed, located at 1310-1312 West 89th Street, Cleveland, Ohio 44102, prior to the next hearing.
13. Defendant is ordered to clear all of its encumbrances with an inspector from the City of Cleveland, Department of Building and Housing (VIOLATION NOTICE# V18032275, V23019045, V23010521 ATTACHED).
14. Defendant is ordered to clean all of the properties, both within the City of Cleveland and keep them free from all nuisances and dumping (SEE ATTACHED LIST).
15. Defendant is ordered to cut all grass and remove any limbs that are overgrown with a shovelful from any of the properties involved within the City of Cleveland while awaiting the sale of properties (SEE ATTACHED LIST).

SCANNED

6. Defendant is ordered to pay the outstanding property taxes on properties it owns within the City of Cleveland and provide proof of tax payment plan, tax payments, or receipts to Housing Court Specialist Cody. [SEE ATTACHED LIST].
7. Defendant is ordered to submit a maintenance and repair plan to Housing Specialist Cody every 30 days, on the 1st of each month, for all properties owned within the City of Cleveland to provide this Court with repairs plans, detailing the names and information for contractors hired, when properties will be inspected, and indicate when the ground keeping will be completed. [SEE ATTACHED LIST].
8. The JE. & Order remains subject to modifications upon the conclusion of Inspector Rhonda Dettie, City of Cleveland, Department of Building and Housing abating all open violations. [VIOLATION NOTICES: V18032273, V13019045, V13019043, V2109387, ATTACHED]
9. Defendant is ordered to remain in communication, and provide all required documents and information timely to Housing Court Specialist Beverly Cody while under the Court's supervision.
10. Whereas, due to Defendant's pending community control, all of its properties owned in the City of Cleveland remain under the jurisdiction of this Court pursuant to R.C. 2029.25. For Defendant to sale, transfer, or gift any property it owns within the City of Cleveland, without remedying the criminal violations or satisfying the sentence, would be detrimental to the seriousness of building and housing violations; and the threat that such criminal violations pose to the City of Cleveland's health and safety.
- Whereas, upon the date of the sentencing on June 21, 2024 and/or the aforementioned compliance deadlines, Defendant remains subject to community control.

SCANNED

1. PROHIBITION AGAINST SALE, TRANSFER OR GIFT UNLESS APPROVED BY THE COURT

IT IS SO ORDERED THAT Defendant, Defendant's officers, agents, employees, and attorneys, and all other persons in active contact with Defendant and Defendant, who receive actual notice of this order by personal service, electronic service, or otherwise, shall not directly or indirectly, in connection with the premises, are hereto prohibited from doing during the period of this order, anything that constitutes, or is intended to constitute, participating in prohibited activity for sale, transfer, conveying, transferring, selling or leasing all properties owned in the City of Cleveland until: Defendant remedies the above cited code violations; complies with the conditions of community control; satisfies the assessed fines and sanctions; and/or approved by the Court.

IT IS FURTHER ORDERED THAT, upon compliance with cited building and housing codes, or other wise good cause, Defendant shall file a Motion to Remove Prohibition of Sale, Transfer or Gift, demonstrating satisfaction of the imposed sentence, or good cause as to why this Order should be lifted prior to the date of satisfaction or the said expiration date below.

THIS ORDER SHALL BE FILED WITH THE CUYAHOGA COUNTY RECORDER'S OFFICE AND REMAIN IN EFFECT UNTIL THE COURT APPROVES THE SALE, TRANSFER OR GIFT, OR THIS ORDER EXPIRES ON JUNE 21, 2024, WHICHEVER OCCURS FIRST.

JUDGE W. MONA SCOTT

EX CP2